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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,269	01/21/2004	Kia Silverbrook	WAL18US	1023
24011	7590	05/05/2006	EXAMINER	
SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, NSW 2041 AUSTRALIA			LEBRON, JANNELLE M	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,269

Applicant(s)

SILVERBROOK ET AL.

Examiner

Jannelle M. Lebron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 8 and 31 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 3-7, 9-30 and 32-49 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/18/2006.
2. Claim 31 is not considered par of the elected species and thus is not taken under consideration for purposes of the examination.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 810 (figs.8C and 9), 1012 (figs.10 and 11), 1612 (fig.17), Figs. 17B and 17C (page 17/80), 1904 (fig.19), 3026a (fig. 23), 3096b (fig.36 and 37A), 3093c (fig. 37A), 3110a (figs. 55A and 57), 3140 (fig. 60), and 3141 (fig. 60), 3805 (figs. 65-69), 3803 (figs. 65-68), 3816 (figs. 66-67), 3880 (fig. 68), 3812 (Fig. 69), and possibly others. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any

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amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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5. Claims 1, 2 and 8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 8 of copending Application No. 10/760,214 in view of Miller et al. (US Patent 6,068,370).

6. Below is a table of comparison between the conflicting claims that show why they are not patentably distinct from each other:

<u>10/760,269</u>	<u>10/760,214</u>
<p>1. A removable printhead assembly for a printer which prints onto a moving web, comprising:</p> <p>a full width stationary printhead located on a rail along which it slides for service and removal;</p> <p>a number of replaceable ink reservoirs which supply the printhead with different inks;</p> <p>the printhead comprising a color printhead which is at least as wide as the web; and</p> <p>the printhead being supplied with the different inks through tubes which can be disconnected so the printhead may be removed.</p>	<p>1. A printhead assembly for a printer which prints onto a moving web that follows a path, comprising:</p> <p>a full width printhead located across the path;</p> <p>the printhead comprising a color printhead which is at least as wide as the web;</p> <p>the printhead being supplied with a number of different inks which are remote from the printhead and which supply the printhead through tubes.</p>
<p>2. The printhead assembly of claim 1,</p>	<p>2. The printhead assembly of claim 1, further comprising:</p> <p>a rail which is located across the path and along which the printhead slides into and out of a printing position.</p>
	<p>3. The printhead assembly of claim 2,</p>

<p>wherein: the printhead is secured to the rail by fasteners which allow the printhead to be removed when the fasteners are disengaged.</p> <p>8. The printhead assembly of claim 1, further comprising: one or more rail microadjusters for accurately adjusting a gap between the printhead and the media onto which it is printing.</p>	<p>wherein: the printhead is secured to the rail by fasteners which allow the printhead to be removed when the fasteners are disengaged.</p> <p>8. The printhead assembly of claim 1 , further comprising: one or more rail microadjusters for accurately adjusting a gap between the printhead and the media onto which it is printing.</p>
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7. Although the conflicting claims are not identical, they are not patentably distinct from each other because the listed claims (1 and 2) together include all the structure found in claim 1 of the present invention except "a number of replaceable ink reservoirs". Miller teaches a printhead supplied by separate ink reservoirs (30 in fig.3). It would have been obvious to one of ordinary skill in the art at the time of the invention to supply the printhead of the claimed invention in 10/760,214 with replaceable ink reservoirs. One would have been motivated to so modify 10/760,214 for the purpose of providing a easily accessible way to supply ink as taught by Miller et al.


This is a provisional obviousness-type double patenting rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jannelle M. Lebron whose telephone number is (571) 272-2729. The examiner can normally be reached on Monday thru Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML
04/27/2006


LAMSON NGUYEN
PRIMARY EXAMINER
04/27/08